

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19Cr463 (DLC)
	:	
-v-	:	ORDER
	:	
EMILIANO BOMBA, BRIAN PARA MACHADO,	:	
JOSE BAEZ, and ANDY GARIBALDI LOPEZ,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

On February 6, 2020, defendant Emiliano Bomba was arraigned on the indictment that was filed on June 20, 2019 and unsealed on January 14, 2020. At a February 6, 2020 conference, the Court scheduled a trial date of December 7, 2020, and excluded time until that date, pursuant to 18 U.S.C. § 3161(h)(7)(A). Bomba has been in custody at the Metropolitan Correctional Center ("MCC") since February 6.

An Order of July 10, 2020 unsealed the superseding indictment that was filed on February 13, 2020. On July 10, defendant Andy Garibaldi Lopez was presented and arraigned on the superseding indictment. On July 14, defendant Jose Baez was presented and arraigned on the superseding indictment. Both Lopez and Baez have been released on bail.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), time was excluded by the Magistrate Judge until July 31, 2020 for both Lopez and

Baez. Pursuant to 18 U.S.C. § 3161(h)(6), however, time is excluded as to Lopez and Baez until December 7, 2020, since they are joined for trial with Bomba. The Government has informed the Court that defendant Brian Para Machado remains at large. On July 15, the Government requested that this Court schedule a conference in this case. Accordingly, it is hereby


ORDERED that the arraignment of Bomba on the superseding indictment is scheduled for Wednesday, **July 29, 2020 at 9:00 a.m.**

IT IS FURTHER ORDERED that Bomba shall inform the Court by Friday, **July 17, 2020 at noon**, whether he prefers that the arraignment occur in court, in Courtroom 18B, 500 Pearl Street, or via videoconference through the CourtCall platform. Should Bomba prefer the CourtCall platform, defense counsel shall discuss the attached form, Waiver of Right to be Present at Criminal Proceeding, with the defendant. If the defendant consents, and is able to sign the form, defense counsel shall file the executed form **at least 24 hours prior to the proceeding**. In the event the defendant consents, but counsel is unable to obtain the defendant's physical signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

IT IS FURTHER ORDERED that trial is scheduled for Bomba, Lopez, and Baez for **December 7, 2020**. The Government shall file a letter by **July 17** describing the schedule for the production of discovery to Lopez and Baez. Any defense motions are due **September 4, 2020**; the Government's opposition remains due **September 11, 2020**.

IT IS FURTHER ORDERED that defense counsel for Lopez and Baez shall advise the Court by **July 24, 2020**, whether either of these two defendants requests a conference with the Court regarding the schedule in this case or any other issue. Those letters shall confirm that counsel have advised Lopez and Baez of the December 7, 2020 trial date and the need to request any change of counsel well in advance of December 7 so that replacement counsel is prepared to try this case on December 7.

Dated: New York, New York
July 15, 2020



DENISE COTE
United States District Judge

April 2, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

,
Defendant.

-CR- () ()

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Check Proceeding that Applies

_____ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

Signature of Defendant

Print Name

_____ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: